

Amendment A  
Application. No. 10/654,769  
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REMARKS/ARGUMENTS

Claims 1 and 11 have been amended. Twenty claims remain pending in the application: claims 1-20. Reconsideration of the pending claims in view of the amendments above and remarks below is respectfully requested.

Turning to the specific objections and rejections:

Claim Rejections - 35 U.S.C. § 103

1. Claims 1-20 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 4,091,120 of Goodnight Jr. et al. (herein the '120 patent) in view of U.S. Patent No. 3,852,491 of Malzahn (herein the '491 patent).

Claims 1 and 11 have been amended to include the limitation "wherein a portion of the recovered proteins is recycled to the membrane and water is added to replace water removed with said flavor compounds." Support for this amendment may be found in the specification as filed at least at page 14, lines 9-12 and Figure 8. The aforementioned limitation is not taught or suggested by the '120 patent nor the '491 patent. As such, claims 1 and 11 are patentably distinct from the '120 patent and the '491 patent in combination.

As claims 2-10 and 12-20 depend on claims 1 and 11, Applicants request that the present rejection be withdrawn from each of claims 1-20.

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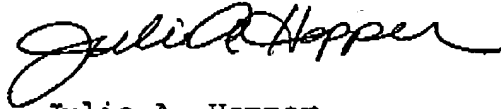
CONCLUSION

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Richard Kaba at (312)577-7000 so that such issues may be resolved as expeditiously as possible.

The Commissioner is hereby authorized to charge any additional fees which may be required in the Applicant to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY



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